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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, CIVIL JURISDICTION

FERA APPEAL NO.10 OF 2007

Union of India & Anr...Appellants

Vs.

Shri Abdul Rehman.....Respondent

Mr. R.V. Desai, Senior Counsel with Mr. A.S. Rao and Mrs. S.V. Bharucha, for the Appellants.

CORAM: F.I. REBELLO &
J.P.DEVADHAR,JJ.

DATED: 27TH JULY,2007

P.C.:

. The question of law as set out in the Appeal Memo really would not arise. However, learned Counsel for the Appellants submits that the question would arise after recording a finding that the order of confiscation is valid, whether the penalty imposed could have been reduced.

. We have perused Section 50 of the FERA Act, 1973. The Section provides that the penalty could be imposed not exceeding five times the amount of value involved. In other words the amount of penalty to be imposed is in the discretion of the authority. The Appellate Authority has given the reasons which are set out in para.7 as to why it reduced the penalty. It cannot be said that the said reasons are no reasons and/or perverse. In our opinion once the reasons are considered it was within the discretion of the Appellate Tribunal. In the light of that no interference called for. Appeal dismissed.

(J.P. DEVADHAR, J.) (F.I.iREBELLO, J.)